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May 9, 2007

Via Federal Express

Honorable Lawrence M. McKenna
United States District Court
Southern District of New York
500 Pearl Street, Room 1640
New York, New York 10007

*The Clerk is directed to
file this complaint
(Rocket #1) under
seal. See order dated
5/17/07*

Re: Maxway International Co., Inc. v. Pepsico, Inc.
07 Civ 3634

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MAY 10 2007

LAWRENCE M. MCKENNA

U.S.D.C. S.D.N.Y.

Dear Judge McKenna:

We represent the plaintiff in connection with the above matter, which was filed by hand on May 8, 2007. The summons and complaint have not yet been served.

As the undersigned informed Caroline Holderness, Esq. of Your Honor's chambers this morning, immediately after the action was filed, we realized that of the eleven (11) exhibits annexed to the complaint, three (3) of them contain information which might be considered confidential by either party. We are writing this letter pursuant to Ms. Holderness' instruction to request that these three exhibits (which are Exhibits C, F and H) be removed from the complaint or, alternatively, that the complaint be filed under seal in order to protect the interests of both parties.

It is our intention to immediately file and serve an Amended Complaint with the above exhibits and any reference thereto, removed.

It would be greatly appreciated if the Court could advise of its response to this request or whether any further action should be taken by plaintiff to rectify the situation.

Respectfully submitted,

Dana M. Susman
Dana M. Susman

DMS/nd
#268180.1

